

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

To:

KLUNKER, SCHMITT-NILSON, HIRSCH
Winzererstr. 106
80797 München
ALLEMAGNE

NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Rule 71.1)

Date of mailing
(day/month/year)

30.01.2006

Applicant's or agent's file reference
K59 269/8

IMPORTANT NOTIFICATION

International application No.
PCT/EP2003/011093

International filing date (day/month/year)
07.10.2003

Priority date (day/month/year)
07.10.2003

Applicant

OTIS ELEVATOR COMPANY

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the international preliminary examining authority:



European Patent Office - P.B. 5818 Patentlaan 2
NL-2280 HV Rijswijk - Pays Bas
Tel. +31 70 340 - 2040 Tx: 31 651 epo nl
Fax: +31 70 340 - 3016

Authorized Officer

Blouw, J

Tel. +31 70 340-4118





PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference K59 269/8		FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/EP2003/011093		International filing date (day/month/year) 07.10.2003	Priority date (day/month/year) 07.10.2003
International Patent Classification (IPC) or both national classification and IPC B66B5/02			
Applicant OTIS ELEVATOR COMPANY			
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p><input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of 2 sheets.</p>			
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the opinion</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(II) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the International application</p> <p>VIII <input type="checkbox"/> Certain observations on the International application</p>			
Date of submission of the demand 18.04.2005		Date of completion of this report 30.01.2006	
Name and mailing address of the International preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3018		Authorized Officer Nelis, Y Telephone No. +31 70 340-4583 	

10/575024

IP20 Rec'd PCT/PTO 07 APR 2006

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/EP2003/011093

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-12 as originally filed

Claims, Numbers

1-10 filed with telefax on 25.01.2006

Drawings, Sheets

1/1 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/EP2003/011093**

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	1-10
Inventive step (IS)	Yes: Claims	
	No: Claims	1-10
Industrial applicability (IA)	Yes: Claims	1-10
	No: Claims	

2. Citations and explanations

see separate sheet

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/EP2003/011093

Reference is made to the following documents:

- D1: US-A-5 058 710 (IWASA MASAO) 22 October 1991 (1991-10-22)
- D2: US-5821476 (Harri Hakala) 13 October 1998
- D3: US-A-4 376 471 (UCHINO HIDEO ET AL) 15 March 1983 (1983-03-15)

**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

1) Preliminary remark:

a) In the description of the application the elevator rescue system is described as a system that works in situations where, for example a power failure occurs, a defect of the elevator itself occurs or a defect in the elevator safety chain.

As a consequence, the working field of the elevator rescue system is explained.

b) The description also points out very correctly (page 4) that normally the emergency brake and the drive motor are coupled together in a way which allows energizing of the drive motor only if the brake is energized.

- 2) The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.

The document D1 discloses in the wording of claim 1 (the references in parentheses applying to this document): elevator comprising a car, a counterweight, a hoisting rope for suspending the car and the counterweight, a drive motor (30), a motor drive unit (28) for supplying the power to the drive motor (30), and a brake for stopping the movement of the car in an emergency situation (no elevator is allowed to work without this safety feature and all elevator drive units are provided with a brake that stops the movement of the car in an emergency situation), the elevator further comprising an elevator rescue system (see point 1a above), comprising an emergency power supply (32), an emergency brake switch (42a or 42b or 42c) which is arranged in a line connecting the emergency power supply (32) to the brake (indirectly via 18 and 40, see column 3, line 22-27 and point 1b above) for connecting and disconnecting the DC power of the emergency power supply (32) to the brake

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/EP2003/011093

and an emergency drive switch (33a,33b) for connecting and disconnecting the power of the emergency power supply (32) to the drive motor (30), and whereby the elevator rescue system further comprises the motor drive unit (28) and a power line (power line from 32 to 24 and 26 via 33a and 33b) connecting the emergency power supply (32) with the motor drive unit (28) and including the emergency drive switch (33a,33b).

- 3) The subject-matter of independent claim 1, is also considered not new/inventive with regard to documents D2 and D3, see for example document D2, column 1 lines 5 and 6 , lines 16 to 23 and fig. 1.
- 4) Dependent claims 2-10 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step, see documents D1-D3 and the corresponding passages cited in the search report.
